

Congress of the United States  
Washington, DC 20515

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July 24, 2020

The Honorable Ajit V. Pai, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

Dear Chairman Pai,

We write to you today regarding the Federal Communication Commission's (FCC) efforts to close the digital divide throughout Indian Country by increasing tribal access to unassigned 2.5 GHz spectrum licenses.<sup>1</sup> Given the ongoing disparate impact of the COVID-19 pandemic on tribal communities nationwide, we urge the Commission to extend the Rural Tribal Priority Window set to close on August 3<sup>rd</sup>, 2020 by no less than 180 days.<sup>2</sup>

In establishing this landmark opportunity for tribes to obtain unassigned mid-band spectrum over their tribal lands, we appreciate the Commission's recognition that tribal communities continue to fall on the wrong side of the digital divide, including by granting temporary 2.5 GHz spectrum access to tribes during the COVID-19 pandemic.<sup>3</sup> As you know, the FCC's 2020 Broadband Deployment Report highlighted that of residents living on rural tribal lands, only 52.9% have access to broadband service at *both* the Commission's minimum fixed terrestrial standard speed of 25/3 Mbps and Mobile LTE speed of 5/1 Mbps.<sup>4</sup> Increasing tribal access to licensed spectrum through the Rural Tribal Priority Window can unlock enhanced wireless broadband opportunities for countless students and families throughout Indian Country.<sup>5</sup>

In considering an extension of the Rural Tribal Priority Window, we recognize that several eligible tribes have already submitted applications to the Commission for unassigned 2.5 GHz licenses prior to the commercial auction. To the maximum extent practicable, we urge the Commission to maintain flexibility in considering submitted applications from eligible tribes by

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<sup>1</sup> See Federal Communications Commission, *In the Matter of Transforming the 2.5 GHz Band*, WT Docket No. 18-120, Report and Order, July 11, 2019 (FCC 19-62).

<sup>2</sup> See Federal Communications Commission, *Federal Communications Commission Announces 2.5 GHz Rural Tribal Priority Window and Technical Workshop*, Public Notice, WT Docket No. 18-120, DA 19-1226, December 2, 2019.

<sup>3</sup> See Federal Communications Commission, *FCC Grants Temporary Spectrum Access to Support Connectivity on Tribal Reservation During COVID-19 Pandemic* (Mar. 30, 2020) (press release). See also Federal Communications Commission, *FCC Grants the Navajo Nation Temporary Spectrum Access to Meet Increased Wireless Broadband Needs During COVID-19 Pandemic* (Apr. 17, 2020) (press release).

<sup>4</sup> See Federal Communications Commission, *2020 Broadband Deployment Report*, GN Docket No. 19-285, April 24, 2020 (FCC 20-50).

<sup>5</sup> See AZ Central, *For Tribal Lands Ravaged by COVID-19, Broadband Access is a Matter of Life and Death*, May 9, 2020 (<https://www.azcentral.com/story/opinion/op-ed/2020/05/09/arizona-tribal-lands-need-broadband-access-help-fight-covid-19/5177693002/>).

establishing procedures to consider these applications, on the condition they are complete and non-conflicting, on a rolling basis during a potentially extended Rural Tribal Priority Window or by granting temporary spectrum access to qualified applicants.<sup>6</sup>

We believe an extension of the Rural Tribal Priority Window for 2.5 GHz licenses is appropriate given the burden the COVID-19 public health emergency has had on tribal communities and consistent with the Commission's previous action to delay Auctions 105 and 106 to "allow parties additional time to prepare to participate."<sup>7</sup>

Thank you for your time and attention to this request during this unprecedented challenge facing our nation.

Sincerely,



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Tom O'Halleran  
Member of Congress



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Ben Ray Luján  
Member of Congress



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Anna G. Eshoo  
Member of Congress



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Raul Ruiz, M.D.  
Member of Congress



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Deb Haaland  
Member of Congress



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Jerry McNerney  
Member of Congress



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A. Donald McEachin  
Member of Congress



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Ruben Gallego  
Member of Congress

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<sup>6</sup> 47 U.S.C. 309(f)

<sup>7</sup> See Federal Communications Commission, *FCC Changes Upcoming Auction 105 Schedule, Postpones Auction 106: Adjustments Made in Light of COVID-19 Pandemic* (Mar. 25, 2020) (press release).



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Kendra Horn  
Member of Congress



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Xochitl Torres Small  
Member of Congress



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Jared Huffman  
Member of Congress

cc:     The Honorable Michael O’Rielly, Commissioner  
          The Honorable Brendan Carr, Commissioner  
          The Honorable Jessica Rosenworcel, Commissioner  
          The Honorable Geoffrey Starks, Commissioner